

MINUTE ITEM

This Calendar Item No. C41 was approved as Minute Item No. 41 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM

C41

A 05,09

04/17/06

S 06

PRC 6686

WP 6686.9

J. McComas

**GENERAL LEASE -
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

APPLICANT:

Arthur G. Howell, III

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to the Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an uncovered floating boat dock, walkway, pilings, and bank protection.

LEASE TERM:

Ten years, beginning April 17, 2006.

CONSIDERATION:

Uncovered Floating Boat Dock, Walkway, and Pilings:

No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds that such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability Insurance: Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. On June 21, 1984, the Commission issued a Recreational Pier Lease to Mara V. Stein for a floating dock and walkway. That lease has expired. The uplands have subsequently been deeded to Arthur G. Howell, III. Applicant is now applying for a new General Lease - Recreational and Protective Structure Use. Applicant qualifies for a rent-free boat dock because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single family dwelling.
3. The bank protection at this location mutually benefits both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. **UNCOVERED FLOATING BOAT DOCK, WALKWAY, AND PILINGS:**
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

BANK PROTECTION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating

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such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, WALKWAY, AND PILINGS:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

BANK PROTECTION:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

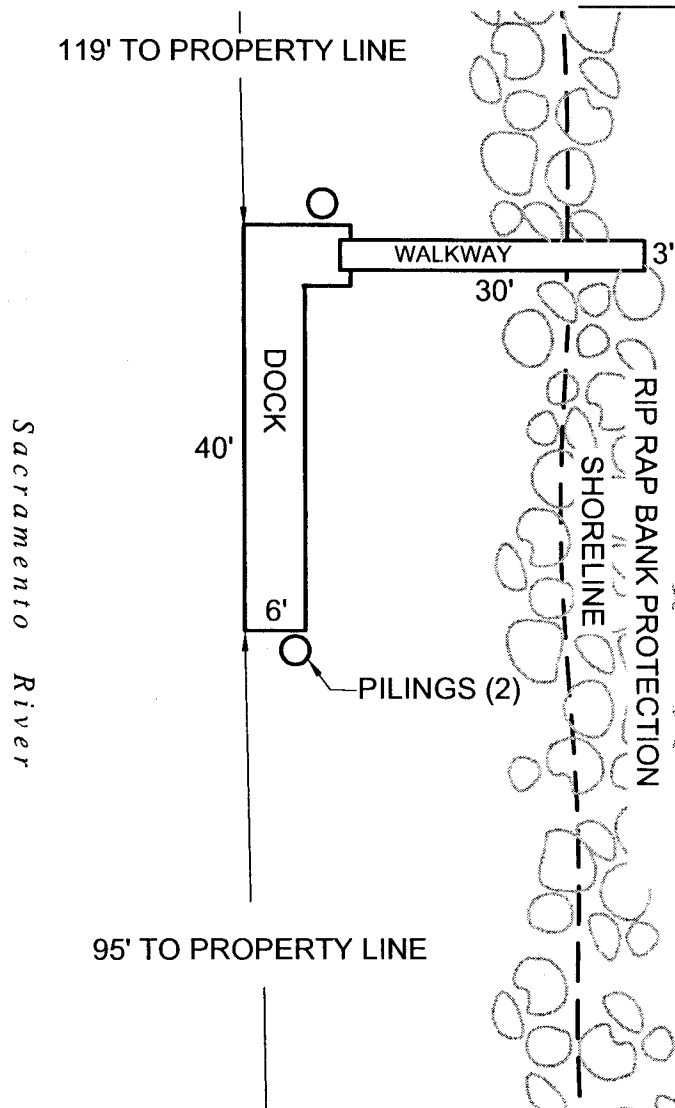
AUTHORIZE ISSUANCE TO ARTHUR G. HOWELL, III, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING APRIL 17, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK, WALKWAY, PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK, WALKWAY AND PILINGS - NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES

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CODE SECTION 6503.5; BANK PROTECTION - THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

NO SCALE

SITE



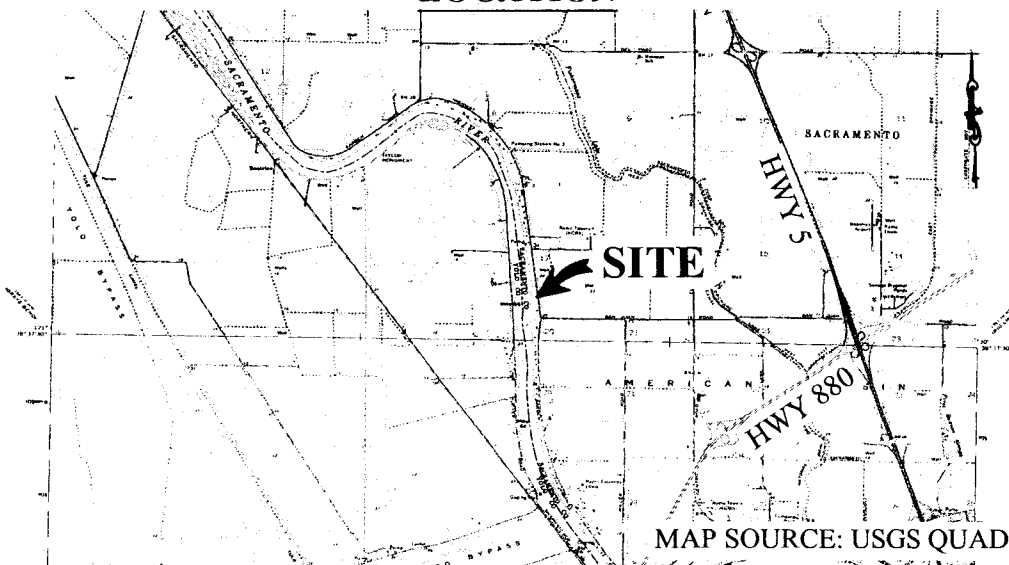
APN 225-0260-005

GARDEN HWY.
TOP OF LEVEE

3551 GARDEN HWY, SACRAMENTO

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

WP 6686.9
ARTHUR G. HOWELL, III
APN 225-0260-005
GENERAL LEASE
RECREATIONAL &
PROTECTIVE STRUCTURE
SACRAMENTO COUNTY



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MJ 02/2006